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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/511,311

Applicant(s)

KRASINSKI, RAYMOND J.

Examiner

PINKAL CHOKSHI

Art Unit

2425

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 21-23 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-17 and 21-23 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-85/86)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 10/9/2008 have been fully considered but they are not persuasive. Applicant asserts that Fleming does not teach any processor that configured to read an origin code embedded in content received by the device. Examiner disagrees. Fleming discloses (col.6, lines 61-65; col.9, lines 22-30) that the region code that represents a region, is associated with the rating system stored in the memory of the client device as represented in Fig. 4 (element 402(1)(e)). Fleming further discloses (col.11, lines 32-35) that the rating included in the multimedia program is read from rating fields present in ATSC or DVB digital television broadcast that includes region information as explained earlier. Fleming further discloses (col.11, lines 19-32) that once the rating system with region code is properly stored in the memory of the receiver, CPU in the client device identifies rating of multimedia program by extracting rating (region information) from the multimedia program and reading this region information to match it with the stored region information as represented in Fig. 5. The rejection is maintained. Furthermore, Applicant alleges that the combination of Fleming and Whitelaw is improper. Examiner disagrees with that allegation and invites applicant to point out any specific deficiency in the combination of references. With regard to the dependent claims, the respective rejections are maintained as Applicant has only argued that the secondary references do not cure the deficiencies of Fleming and Whitelaw, nevertheless it is the Examiner's contention that Fleming and Whitelaw do not contain any deficiencies. Claims were rejected based on the reference as a

whole and not just the particular column/lines sighted by the Examiner. See the rejection below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1, 2, 6, 9, 10, 14, 17, and 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,449,766 to Fleming et al (hereafter referenced as Fleming) in view of US Patent 6,944,876 to Whitelaw et al (hereafter referenced as Whitelaw).

Regarding **claim 1**, "a device for receiving content" reads on the multimedia system that receives and access television programs (abstract and col.2, lines 52-54) disclosed by Fleming and represented in Fig. 1 (element 114).

As to "a device comprising: a memory which is configured to store a descriptor" Fleming discloses (col.2, lines 62-65) that the data structure with rating information is stored in the memory as represented in Fig. 2 (element 216).

As to "a processor which is configured to read said descriptor and an origin code embedded in said content" Fleming discloses (col.9, lines 22-30) that the region code, represents a region, is included in the signal. Fleming further

discloses (col.6, lines 61-63; col.8, lines 50-52) that the CPU reads and executes data from memory as represented in Fig. 2 (element 202, 216) and Fig. 4.

As to "wherein said processor is further configured to allow access of said content only when said descriptor is substantially identical to said origin code" Fleming discloses (col.11, lines 36-59 and see claim 1) that the system matches the rating information provided in the multimedia program with the rating stored in the data structure to perform a function as represented in Fig. 5. Fleming meets all the limitation of the claim except he does not explicitly teaches "processor allows access if there is a match." However, Whitelaw discloses (col.8, lines 17-32) that the logic unit determines if there is a match between content based indicator and content based indicator obtained from the memory. If there is a match, then the logic unit allows passing the program signals to the television unit as represented in Fig. 4. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to allow/block access to the content based on the match between two data information as taught by Whitelaw so the only authorized user of the device can access the programming content (col.1, lines 33-35).

Regarding **claim 2**, "the device wherein said processor is further configured to allow at least one of video signals of said content to be displayed onto a screen and audio signals of said content to be heard on a speaker when said descriptor is substantially identical to said origin code" Whitelaw discloses

(col.5, lines 28-32; col.8, lines 17-32) that the logic unit allows passing and transforming the program signals into the program in the form of display on a television screen and sound from a speaker as represented in Fig. 3 (elements 110, 112). Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to allow/block access to the content based on the match between two data information as taught by Whitelaw so the only authorized user of the device can access the programming content (col.1, lines 33-35).

Regarding **claim 6**, "the device wherein said descriptor includes a region code indicative of a region said device is useable, and said origin code is related to an origin of said content." Fleming discloses (col.2, lines 62-65) that each of the ratings in rating system, which includes the country code, is stored in the memory. Fleming further discloses (co.9, lines 22-30) that the region code includes country code that digital video broadcast is associated with the rating system.

Regarding **claim 9**, "a method for accessing of content of a device" reads on the method of multimedia system that receives and access television programs (abstract and col.2, lines 52-54) disclosed by Fleming and represented in Fig. 1 (element 114).

As to "method comprising: reading a descriptor embedded in said device and reading an origin code embedded in said content" Fleming discloses (col.9, lines 22-30) that the region code, represents a region, is included in the signal. Fleming further discloses (col.6, lines 61-63; col.8, lines 50-52) that the CPU reads and executes data from memory as represented in Fig. 2 (element 202, 216) and Fig. 4.

As to "comparing said descriptor with said origin code and allowing access of said content only when said descriptor and said origin code are substantially identical" Fleming discloses (col.11, lines 36-59 and see claim 1) that the system compares the rating information provided in the multimedia program with the rating stored in the data structure to perform a function as represented in Fig. 5. Fleming meets all the limitation of the claim except he does not explicitly teaches "processor allows access if there is a match." However, Whitelaw discloses (col.8, lines 17-32) that the logic unit determines if there is a match between content based indicator and content based indicator obtained from the memory. If there is a match, then the logic unit allows passing the program signals to the television unit as represented in Fig. 4. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to allow/block access to the content based on the match between two data information as taught by Whitelaw so the only authorized user of the device can access the programming content (col.1, lines 33-35).

Regarding **claim 10**, "the method wherein said allowing act allows at least one of video signals of said content to be displayed onto a screen and audio signals of said content to be heard on a speaker when said descriptor is substantially identical to said origin code" Whitelaw discloses (col.5, lines 28-32; col.8, lines 17-32) that the logic unit allows passing and transforming the program signals into the program in the form of display on a television screen and sound from a speaker as represented in Fig. 3 (elements 110, 112). Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to allow/block access to the content based on the match between two data information as taught by Whitelaw so the only authorized user of the device can access the programming content (col.1, lines 33-35).

Regarding **claim 14**, "the method wherein said descriptor includes a region code indicative of a region said device is useable, and said origin code is related to an origin of said content" Fleming discloses (col.2, lines 62-65) that each of the ratings in rating system, which includes the country code, is stored in the memory. Fleming further discloses (co.9, lines 22-30) that the region code includes country code that digital video broadcast is associated with the rating system.

Regarding **claim 17**, "the method further comprising: storing said descriptor in a memory of said device" Fleming discloses (col.2, lines 62-65) that

the data structure with rating information is stored in the memory as represented in Fig. 2 (element 216).

As to "embedding an origin code in said content" Fleming discloses (col.9, lines 22-30) that the region code, represents a region, is included in the signal.

Regarding **claim 21**, "a device for accessing received content" reads on the multimedia system that receives and access television programs (abstract and col.2, lines 52-54) disclosed by Fleming and represented in Fig. 1 (element 114).

As to "device comprising: a memory storing a descriptor therein" Fleming discloses (col.2, lines 62-65) that the data structure with rating information is stored in the memory as represented in Fig. 2 (element 216).

As to "means for reading the descriptor stored in the memory" Fleming discloses (col.6, lines 61-63; col.8, lines 50-52) that the CPU reads and executes data from memory as represented in Fig. 2 (element 202, 216) and Fig. 4.

As to "means for reading an origin code embedded in said received content, said origin code identifying a geographical area of origin of said received content;" Fleming discloses (col.9, lines 22-30) that the region code, represents a region, is included in the signal. Region code identifies region by including country code.

As to "means for comparing said descriptor with said origin code and means for denying access to said received content when said descriptor and said

origin code are not substantially identical" Fleming discloses (col.11, lines 36-59 and see claim 1) that the system matches the rating information provided in the multimedia program with the rating stored in the data structure to perform a function as represented in Fig. 5. Fleming meets all the limitation of the claim except he does not explicitly teaches "processor denies access if there is no match." However, Whitelaw discloses (col.8, lines 17-32) that the logic unit determines if there is a match between content based indicator and content based indicator obtained from the memory. If there is no match, then the logic unit denies passing the program signals to the television unit as represented in Fig. 4. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to allow/block access to the content based on the match between two data information as taught by Whitelaw so the only authorized user of the device can access the programming content (col.1, lines 33-35).

As to "wherein the descriptor cannot be written into the memory by a user of the device and cannot be changed by a user of the device" Whitelaw discloses (col.11, lines 45-51) that the preset menu items are stored in the ROM memory by the manufacturer which does not allow user to write/change the menu options as represented in Fig. 5 (element 156 – preset v-chip). Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to write descriptor in permanent memory by manufacturer as taught by Whitelaw so the user cannot delete these data by accidentally.

4. **Claims 3-5, 11-13, and 22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleming in view of Whitelaw and further in view of US PG Pub 2003/0056212 to Siegel et al (hereafter referenced as Siegel).

Regarding **claim 3**, combination of Fleming and Whitelaw meets all the limitations of the claim except, “the device wherein usage rules are further embedded in said content and said processor being further configured to read said usage rules and determining said access of said content based on said usage rules.” However, Siegel discloses (§0008) that the audio/video contents transmitted to customer includes the usage rule. Siegel further discloses (§0013 and §0014) that the program processor in the device provides viewer to obtain rights on the audio/video programs based on the usage rule as represented in Fig. 8. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to include usage rule in the content as taught by Siegel in order to provide new possibilities for the generation of revenue (§0002).

Regarding **claim 4**, “the device wherein usage rules are embedded in said content and said processor being configured to obey said usage rules in determining said access of said content” Siegel discloses (§0008) that the audio/video contents transmitted to customer includes the usage rule. Siegel further discloses (§0013 and §0014) that the program processor in the device provides viewer to obtain rights on the audio/video programs based on the usage

rule as represented in Fig. 8. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to include usage rule in the content as taught by Siegel in order to provide new possibilities for the generation of revenue (§0002).

Regarding **claim 5**, "the device wherein said usage rules are related to allow said access of said content based on said origin code and said descriptor" Siegel discloses (§0027 and §0032) that based on the usage rule that defines the rights of A/V content, allows viewing of the video. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to include usage rule in the content as taught by Siegel in order to provide new possibilities for the generation of revenue (§0002).

Regarding **claim 11**, combination of Fleming and Whitelaw meets all the limitations of the claim except, "the method further comprising: reading usage rules embedded in said content and determining said access of said content based on said usage rules." However, Siegel discloses (§0008) that the audio/video contents transmitted to customer includes the usage rule. Siegel further discloses (§0013 and §0014) that the program processor in the device provides viewer to obtain rights on the audio/video programs based on the usage rule as represented in Fig. 8. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to include usage rule in

the content as taught by Siegel in order to provide new possibilities for the generation of revenue (§0002).

Regarding **claim 12**, "the method further comprising: reading usage rules embedded in said content; and obeying said usage rules in determining said access of said content" Siegel discloses (§0008) that the audio/video contents transmitted to customer includes the usage rule. Siegel further discloses (§0013 and §0014) that the program processor in the device provides viewer to obtain rights on the audio/video programs based on the usage rule as represented in Fig. 8. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to include usage rule in the content as taught by Siegel in order to provide new possibilities for the generation of revenue (§0002).

Regarding **claim 13**, "the method wherein said usage rules are related to allowing said access of said content based on said origin code and said descriptor" Siegel discloses (§0027 and §0032) that based on the usage rule that defines the rights of A/V content, allows viewing of the video. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to include usage rule in the content as taught by Siegel in order to provide new possibilities for the generation of revenue (§0002).

Regarding **claim 22**, combination of Fleming and Whitelaw meets all the

limitations of the claim except, "the device further comprising means for reading usage rules embedded in said received content wherein said means for denying access of said received content deny said access of said content based on said usage rules." However, Siegel discloses (§0008) that the audio/video contents transmitted to customer includes the usage rule. Siegel further discloses (§0013 and §0014) that the program processor in the device provides viewer to obtain rights on the audio/video programs based on the usage rule as represented in Fig. 8. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to include usage rule in the content as taught by Siegel in order to provide new possibilities for the generation of revenue (§0002).

5. **Claims 7, 8, 15, 16, and 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleming in view of Whitelaw and further in view of US Patent 6,583,825 to Yuen et al (hereafter referenced as Yuen).

Regarding **claim 7**, combination of Fleming and Whitelaw meets all the limitations of the claim except, "the device wherein said descriptor includes a device time zone indicative of regions said device is useable, and said origin code includes a content time zone indicative of an origin of said content." However, Yuen discloses (abstract and col.2, lines 9-12) that the channel mapping information which includes time zone is stored in the memory of device. Yuen further discloses (col.10, lines 27-33) that the UTC data, which is converted to the time zone, is transmitted with the channel mapping information of the

television signal so they can be matched with data stored in the memory.

Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to include time zone in the content and in the stored memory as taught by Yuen in order to determine the channel map identifier based on a geographic location of the apparatus and extracts the channel map matching to the determined channel map identifier (col.2, lines 65-67).

Regarding **claim 8**, "the device wherein said device time zone is obtainable from a timing module of said device" Yuen discloses (col.10, lines 20-24) that the UTC data, which includes time zone, is included in the clock data that contains current date and time. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to include time zone as taught by Yuen in order to determine the channel map identifier based on a geographic location of the apparatus and extracts the channel map matching to the determined channel map identifier (col.2, lines 65-67).

Regarding **claim 15**, combination of Fleming and Whitelaw meets all the limitations of the claim except, "the method wherein said descriptor includes a device time zone indicative of regions said device is useable, and said origin code includes a content time zone indicative of an origin of said content." However, Yuen discloses (abstract and col.2, lines 9-12) that the channel mapping information which includes time zone is stored in the memory of device.

Yuen further discloses (col.10, lines 27-33) that the UTC data, which is converted to the time zone, is transmitted with the channel mapping information of the television signal so they can be matched with data stored in the memory. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to include time zone in the content and in the stored memory as taught by Yuen in order to determine the channel map identifier based on a geographic location of the apparatus and extracts the channel map matching to the determined channel map identifier (col.2, lines 65-67).

Regarding **claim 16**, "the method further comprising obtaining said device time zone from a timing module of said device" Yuen discloses (col.10, lines 20-24) that the UTC data, which includes time zone, is included in the clock data that contains current date and time. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to include time zone as taught by Yuen in order to determine the channel map identifier based on a geographic location of the apparatus and extracts the channel map matching to the determined channel map identifier (col.2, lines 65-67).

Regarding **claim 23**, "the means for denying access to said received content denies access when the time zone of the origin code does not match a time zone of the descriptor stored in the memory" Whitelaw discloses (col.8, lines 17-32) that the logic unit determines if there is a match between content based

indicator and content based indicator obtained from the memory. If there is no match, then the logic unit denies passing the program signals to the television unit as represented in Fig. 4. Combination of Fleming and Whitelaw meets all the limitations of the claim except, "the device wherein the origin code identifies a time zone of a location corresponding to the origin of said content." However, Yuen discloses (abstract and col.2, lines 9-12) that the channel mapping information which includes time zone is stored in the memory of device. Yuen further discloses (col.10, lines 27-33) that the UTC data, which is converted to the time zone, is transmitted with the channel mapping information of the television signal so they can be matched with data stored in the memory. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to include time zone in the content and in the stored memory as taught by Yuen in order to determine the channel map identifier based on a geographic location of the apparatus and extracts the channel map matching to the determined channel map identifier (col.2, lines 65-67).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PINKAL CHOKSHI whose telephone number is (571) 270-3317. The examiner can normally be reached on Monday-Friday 8 - 5 pm (Alt. Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/P. C./
Examiner, Art Unit 2425

/Brian T. Pendleton/
Supervisory Patent Examiner, Art Unit 2425